

**DELEGATION OF AUTHORITY  
FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)**

Emergency Temporary Restraining Orders

1. **AUTHORITY.** Pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, including Section 16(c), to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and the appropriate U.S. Attorney.
2. **TO WHOM REDELEGATED.** Through the Director, Superfund and Emergency Management Division, or equivalent, to the Branch Chief, Emergency Management Branch, or equivalent.
3. **LIMITATIONS.**
  - a. The regional administrator, division director, or branch chief must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the referral before exercising this authority. The regional counsel, or equivalent, may waive concurrence in writing.
  - b. The regional administrator, division director, or branch chief must notify the AA for OECA before exercising this authority. The AA for OECA may waive the requirement for notification in writing.
  - c. The AA for OECA must notify the regional administrator, division director, or branch chief before exercising this authority.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the branch chief level, or equivalent.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESION.** This delegation supersedes R10 5-17-D (06/26/2017) and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
  - a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Federal Register 48,942 (1977).
  - b. For referral of other civil actions under FIFRA, see EPA Delegation 5-17-A.
  - c. EPA Delegation 5-17-D.

June 27, 2019  
Date

  
Chris Hladick  
Regional Administrator